

Senate Study Bill 3052 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

1 An Act requiring criminal history and abuse registry checks for
2 certified nurse aide training program students and providing
3 a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.33, Code Supplement 2009, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 8. *a.* For the purposes of this subsection,
4 unless the context otherwise requires:

5 (1) "*Certified nurse aide training program*" means a program
6 approved in accordance with the rules for such programs adopted
7 by the department of human services for the training of persons
8 seeking to be a certified nurse aide for employment in any of
9 the facilities or programs this section applies to or in a
10 hospital, as defined in Code section 135B.1.

11 (2) "*Student*" means a person applying for, enrolled in, or
12 returning to a certified nurse aide training program.

13 *b.* A certified nurse aide training program shall request
14 that the department of public safety perform a criminal history
15 check and the department of human services perform child and
16 dependent adult abuse record checks, in this state, of the
17 program's students. The program may access the single contact
18 repository established pursuant to this section as necessary
19 for the program to initiate the record checks.

20 *c.* If a student has a criminal record or a record of
21 founded child or dependent adult abuse, the student shall
22 not be involved in a clinical education component of the
23 certified nurse aide training program involving children or
24 dependent adults unless an evaluation has been performed by the
25 department of human services. Upon request of the certified
26 nurse aide training program, the department of human services
27 shall perform an evaluation to determine whether the record
28 warrants prohibition of the student's involvement in a clinical
29 education component of the certified nurse aide training
30 program involving children or dependent adults. The evaluation
31 shall be performed in accordance with the criteria specified in
32 subsection 3 and the department of human services shall report
33 the results of the evaluation to the certified nurse aide
34 training program. The department of human services has final
35 authority in determining whether prohibition of the student's

1 involvement in the clinical education component is warranted.
2 *d.* (1) If a student is convicted of a crime or has a
3 record of founded child or dependent adult abuse entered in the
4 abuse registry after the record checks and any evaluation have
5 been performed, the student shall inform the certified nurse
6 aide training program of such information within forty-eight
7 hours of the criminal conviction or entry of the record of
8 founded child or dependent adult abuse. The program shall
9 act to verify the information within forty-eight hours of
10 notification. If the information is verified, the requirements
11 of paragraph "c" shall be applied by the program to determine
12 whether or not the student's involvement in a clinical
13 education component may continue. The program may allow the
14 student involvement to continue pending the performance of an
15 evaluation by the department of human services. A student
16 who is required by this subparagraph to inform the program of
17 a conviction or entry of an abuse record and fails to do so
18 within the required period commits a serious misdemeanor.
19 (2) If a program receives credible information, as
20 determined by the program, that a student has been convicted
21 of a crime or a record of founded child or dependent adult
22 abuse has been entered in the abuse registry after the record
23 checks and any evaluation have been performed, from a person
24 other than the student and the student has not informed the
25 program of such information within the period required under
26 subparagraph (1), the program shall act to verify the credible
27 information within forty-eight hours of receipt of the credible
28 information. If the information is verified, the requirements
29 of paragraph "c" shall be applied to determine whether or not
30 the student's involvement in a clinical education component may
31 continue.
32 (3) The program may notify the county attorney for the
33 county where the program is located of any violation or failure
34 by a student to notify the program of a criminal conviction
35 or entry of an abuse record within the period required under

1 subparagraph (1).

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EXPLANATION

3 This bill requires criminal history and abuse registry
4 checks for certified nurse aide training program students.
5 The bill establishes the requirement in Code section 135C.33,
6 relating to such record checks for prospective employees
7 of nursing facilities, various types of in-home services,
8 hospices, elder group homes, and assisted living programs.

9 The terms "certified nurse aide training program" and
10 "student" are defined. Certified nurse aide training programs
11 are authorized to access the single contact repository
12 established by the department of inspections and appeals for
13 performing the criminal history and abuse registry checks.

14 If a nurse aide student has a criminal record or a record of
15 founded child or dependent adult abuse, the student cannot be
16 involved in a clinical education component of a certified nurse
17 aide training program involving children or dependent adults
18 unless an evaluation has been performed by the department
19 of human services to determine whether the record warrants
20 prohibition of the student's involvement in the component.
21 The department of human services is required to perform the
22 evaluation if requested to do so by the training program. The
23 evaluation is to be performed in accordance with the existing
24 criteria for employment-related evaluations. The department of
25 human services has final authority to make the determination.

26 The bill includes an ongoing notification requirement
27 that is similar to the employment-related requirement in
28 Code section 135C.33. If, after the record checks and any
29 evaluation have been performed, a student is convicted of a
30 crime or has a record of founded abuse entered, the student is
31 required to notify the program of that information within 48
32 hours. Failure to comply is a criminal offense punishable as a
33 serious misdemeanor. A serious misdemeanor is punishable by
34 confinement for no more than one year and a fine of at least
35 \$315 but not more than \$1,875.

1 If the program receives credible information that such
2 conviction or record has been entered and the student had not
3 provided the required notification, the program is required to
4 act to verify the information within 48 hours of receiving it.
5 The evaluation provisions apply if the offense was committed
6 or record entered. A program may notify the county attorney
7 regarding a student's failure to comply with the notification
8 requirement.